

**REMARKS**

Reconsideration and allowance are respectfully requested.

Claims 1-41 are pending.

The amendments to the specification are supported by the original disclosure and, thus, no new matter has been added. But if the Examiner should disagree, she is respectfully requested to point out the challenged limitation with particularity in the next Office Action so support may be cited in response.

Original paper and computer readable forms of the Sequence Listing are submitted herewith to conform to the requirements of 37 CFR § 1.821 et seq. The paper and computer readable forms of the Sequence Listing do not add new matter, and their contents are the same. Please note that the specification has been amended and the sequence identifiers of the Sequence Listing have renumbered because no SEQ ID NO:14 was present in the application as originally filed. It is respectfully submitted that this submission complies with the sequence rules. Otherwise, prompt notice of any defects in the Sequence Listing is earnestly solicited and additional time is requested to comply.

Applicants urge that the claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if any further information is needed.

Respectfully submitted,

Intellectual Property Group of  
PILLSBURY WINTHROP, L.L.P.

By Lynn E. Eccleston 43180  
for Lynn E. Eccleston  
Reg. No. 35,861  
(202) 861-3655 tel  
(202) 822-0944 fax

LEE/GRT  
1100 New York Avenue, N.W.  
Ninth Floor – East Tower  
Washington, D.C. 20005-3918  
Telephone: (202) 861-3000

APPENDIX  
MARKED-UP VERSION TO SHOW CHANGES

**IN THE SPECIFICATION:**

The specification is amended as follows.

Page 25, eleventh paragraph,

SEQ ID NO:14 [15] [SIL/MRE]3            5'-CTTCAGCACC CGCGGACAGTTGAGCT-  
TCGGGGCTTTGCACTCGTCCC GGCTCTACTTCAGCACCGCGGACAGTTGAGC  
TTCGGGGCTTTGCACTCGTCCC GGCTCTACTTCAGCACCGCGGACAGTTGAG  
CTTCGGGGCTTTGCACTCGTCCC GGCTCTA-3'

Page 26, first paragraph,

SEQ ID NO:15 [16] HREet-1            5'-CTGGCCTTATCTCCGGCTGCACGTT-  
GCCTGTTGGT GACTAATAAACACAATAA-3' is the sequence of the oligonucleotide  
containing the hypoxia response enhancer (HRE) element from the endothelin (ET-  
1) gene.

Page 36, third paragraph,

TRE/SIL1 (SEQ ID NO:16 [17])  
5'-CTTCAGCACC CGCGGACAGTTGACACGATCACCTCCC ATTAAGGAGAGAGA  
TCTCCTTCAGCACCGCGGACAGTTGACACGATCACCTCCC ATTAAGGAGAGA  
GATCTCCTTCAGCACCGCGGACAGTTGACACGATCACCTCCC ATTAAGGAGA  
GAGATCTC-3' TRE is a conditionally inducible element from the thyoxin gene

**IN THE SEQUENCE LISTING:**

The sequence listing is attached.